

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TIMOTHY HEMBREE,	§
	§ No. 736, 2010
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 9509002602
Plaintiff Below-	§
Appellee.	§

Submitted: February 14, 2011

Decided: February 22, 2011

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 22nd day of February 2011, after careful consideration of the parties' briefs and the record on appeal, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated November 3, 2010. The Superior Court did not err in concluding that appellant's fifth motion for postconviction relief was procedurally barred and that appellant had failed to overcome the procedural hurdles.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice